



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 3, 2019

CASE NUMBER: 2018OPA-1197

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	6.010 - Arrests 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest	Not Sustained (Lawful and Proper)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that the Named Employee falsely arrested him in connection with an incident that took place on December 24, 2018 at the Joy Mart on University Way NE.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

6.010 - Arrests POL 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest

Officers, including Named Employee #1 (NE#1), were dispatched to a report of a fight at the Joy Mart. The 911 call for service indicated that a male armed with a metal bar was picking a fight with two customers and an employee. A detailed description of the male was included in the information provided to officers before they arrived on scene. After conducting an investigation into this incident, the officers arrested the Complainant for assault after he was positively identified by the victim. The victim reported that the Complainant used the metal bar to strike the victim’s right leg. At the time of his arrest, the Complainant appeared to be intoxicated and also had an injury to his head that was bleeding.

SPD Policy 6.010-POL-1 requires that officers have probable cause to believe that a suspect committed a crime when effectuating an arrest. Stated differently, where an arrest is not supported by probable cause, it violates law and Department policy.

This incident, including the Complainant’s arrest, was recorded on Body Worn Video (BWV). The BWV was consistent with the reports later completed by the officers. Based on OPA’s review, the BWV further established that

the officers, including NE#1, had sufficient probable cause to support the arrest of the Complainant. As such and given that the Complainant was identified as the perpetrator by the victim of the assault, I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**